

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JUSTIN GARDNER,

Petitioner,

vs.

TAGGART BOYD,

Respondent.

8:21CV120

ORDER

This matter is before the court on Petitioner's "Petition for Permission to Appeal," which the court construes as a motion. (Filing 18.) On June 28, 2021, the court determined Petitioner's habeas petition was successive and dismissed this matter without prejudice to reassertion upon certification by the Eighth Circuit Court of Appeals. (Filings 7 & 8.) Petitioner already pursued an appeal to the Eighth Circuit Court of Appeals, which recently entered a judgment on August 6, 2021 denying a certificate of appealability and dismissing the appeal. (Filing 17.) The mandate has now issued. (Filing 19.) Accordingly,

IT IS ORDERED that Petitioner's "Petition for Permission to Appeal" (Filing 18), construed as a motion, is denied.

Dated this 7th day of September, 2021.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge